



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Francois SCHUTZE et al.)	Group Art Unit:
)	
Application No.: 10/532,041)	Examiner:
)	
International Filing Date: April 21, 2005)	Confirmation No.:
)	
For: Pharmaceutical Composition Combining)	
Tenatropazole for and an Anti-)	
Inflammatory Agent)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 DATED 23 NOVEMBER 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please note that inventor Alain Taccoen is deceased. Accordingly, pursuant to 37 C.F.R. §1.421 and MPEP § 409.01(a), his heir, Nathalie Taccoen, has signed on his behalf as heir and legal representative to Alain Taccoen.

Accordingly, Applicants submit herewith the attached executed declaration indicating the relationship between the heir and the deceased inventor and the heir's citizenship, residence, and mailing address as required under 37 C.F.R. § 1.497(b)(2).

The heir is as follows:

Nathalie Taccoen
wife of and heir and legal representative to Alain Taccoen
9, avenue de Villiers
F-78150 Le Chesnay
France

RECEIVED
23 MAY 2006
Legal Staff
International Division

As the heir to Alain Taccoen's estate, Nathalie Taccoen has executed the attached oath/declaration in place of Alain Taccoen.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,
BUCHANAN INGERSOLL PC

By: Mel. M. Hayworth
Melissa M. Hayworth
Registration No. 45,774

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 22, 2006

1032013-000121

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/532,041

INTERNATIONAL APPLICATION NO.

PCT/FR2003/003120

INTERNATIONAL FILING DATE

21 October 2003

PRIORITY DATE CLAIMED

21 October 2002

TITLE OF INVENTION

PHARMACEUTICAL COMPOSITION COMBINING TENATOPRAZOLE AND AN ANTI-INFLAMMATORY AGENT

APPLICANT(S) FOR DO/EO/US

SCHUTZE, Francois; CHARBIT, Suzy; FICHEUX, Herve; HOMERIN, Michel; TACCOEN, Alain; INABA, Yoshio

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission to items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 21 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: A Request for a Four-Month Extension of Time; A copy of Notification of Missing Requirements dated 23 September 2005; and Response to Notification of Missing Requirements under 35 U.S.C. 371 dated 23 September 2005

Rec PCT/PTO 22 MAR 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/532,041	Francois Schutze	032013-121

21839
 BUCHANAN INGERSOLL PC
 (INCLUDING BURNS, DOANE, SWECKER & MATHIS)
 POST OFFICE BOX 1404
 ALEXANDRIA, VA 22313-1404

INTERNATIONAL APPLICATION NO.	
PCT/FR03/03120	
I.A. FILING DATE	PRIORITY DATE
10/21/2003	10/21/2002

CONFIRMATION NO. 5818
 371 FORMALITIES LETTER



OC000000017090612

Date Mailed: 09/23/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/21/2005
- English Translation of the IA filed on 04/21/2005
- Copy of the International Search Report filed on 04/21/2005
- Copy of IPE Report filed on 04/21/2005
- Preliminary Amendments filed on 04/21/2005
- Information Disclosure Statements filed on 04/21/2005
- Oath or Declaration filed on 04/21/2005
- Request for Immediate Examination filed on 04/21/2005
- Copy of references cited in ISR filed on 04/21/2005
- U.S. Basic National Fees filed on 04/21/2005
- Priority Documents filed on 04/21/2005
- Power of Attorney filed on 04/21/2005
- Specification filed on 04/21/2005
- Claims filed on 04/21/2005
- Abstracts filed on 04/21/2005

032013-121
 EJE/MMH

BUCHANAN INGERSOLL PC
SEP 28 2005 9-29-05 JS
DOCKETED

Missing Parts Due 11/23/05

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/532,041	PCT/FR03/03120	032013-121